

## HUMAN SERVICES BOARD

# INTRODUCTION

## DISCUSSION

The petitioner filed her request for fair hearing in this matter following incidents in April and May 2010 in which the Medicaid transportation provider in her area allegedly failed to provide her with timely rides to medical appointments. At the hearing the petitioner did not dispute that all of the rides in question had been approved by the Office of Vermont Health Access (OVHA). The petitioner also did not dispute OVHA's representation that she had been

approved for a ride to a medical appointment in Boston that at that time was scheduled for June 11, 2010. Her dispute is solely with the actions of the transportation provider.

The Board's jurisdictional mandate is found in 3 V.S.A. 3091(d), which provides, in pertinent part:

An applicant for or a recipient of assistance, benefits or social services from . . . the office of Vermont health access . . . may file a request for a hearing with the human services board. An opportunity for a hearing will be granted to any individual requesting a hearing because his or her claim for assistance, benefits or services is denied, or is not acted upon with reasonable promptness; or because the individual is aggrieved by any other agency action affecting his . . . receipt of assistance, benefits, or services . . . or because the individual is aggrieved by agency policy as it affects his or her situation. . . . (*Emphasis added.*)

The above statute is clear that the Board does not have jurisdiction to consider complaints against any individual *provider* of Medicaid services. The petitioner is free to file a complaint against this provider with OVHA so that *that office* can determine whether the provider was in violation of any condition of Medicaid enrollment. However, the Board has no jurisdiction to consider such a complaint in the first instance.

#### ORDER

The petitioner's appeal in this matter is dismissed for lack of subject matter jurisdiction.

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